

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS**

**November 1, 2010 – 4:00 PM**

**J. NEWTON COHEN, SR. ROOM**

**J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**  
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Present: Carl Ford, Chairman  
Chad Mitchell, Vice-Chairman  
Jon Barber, Member  
Raymond Coltrain, Member  
Tina Hall, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 4:00 pm.

Commissioner Barber provided the Invocation and also led the Pledge of Allegiance.

**CONSIDER APPROVAL OF THE MINUTES**

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the October 18, 2010 Commission Meeting passed unanimously.

**CONSIDER ADDITIONS TO THE AGENDA**

Commissioner Hall made a motion to move agenda item #6 (Consider Request From County Manager for Authorization to Pursue Reorganization of Senior Services & Department of Social Services) for discussion after agenda item #3 (Recognition of Retiring Senior Services Director Clyde Fahnestock). The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Ford moved agenda item #6 to agenda item #3a in the order of discussion.

**CONSIDER DELETIONS FROM THE AGENDA**

There were no deletions from the agenda.

## **CONSIDER APPROVAL OF THE AGENDA**

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously.

### **1. CONSIDER APPROVAL OF CONSENT AGENDA**

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Mitchell and passed unanimously.

The Consent Agenda consisted of the following:

- A. Reschedule Public Hearing for ZTA 02-10 for November 15, 2010
- B. Reschedule Public Hearing for Z 03-10 for November 15, 2010
- C. Accept FY 2009 Non-Matching Grant for Domestic Preparedness and Approve Staff to Coordinate Required Equipment Installation
- D. Accept FY 2010 Non-Matching Grant for Domestic Preparedness and Approve Staff to Coordinate Required Equipment Installation
- E. Proclamation Honoring Veterans Day in Rowan County
- F. Add Oak Grove Lane and Mossy Oak Lane to State Secondary Road System for Maintenance

### **2. PUBLIC COMMENT PERIOD**

Before moving into Public Comment Period, Chairman Ford said he felt there had been some lies told based on the call volume and emails received from citizens expressing concern over a potential cut to services for seniors. Chairman Ford stressed that there would be no services cut, no meals stopped, or no meal sites shut down. Chairman Ford said the only item being considered was the proposed merger of Senior Services and the Department of Social Services (DSS). Chairman Ford stated again that no services would be cut.

Chairman Ford opened the Public Comment Period to entertain comments from citizens wishing to address the Board. The following individuals came forward:

- David Carman said he was a Title V employee of Rowan County and also a senior citizen. Mr. Carman said he worked at the John Calvin meal site. Mr. Carman said the meal sites provided the only daily meal for many seniors. Mr. Carman said there were 30,000 seniors in Rowan County and they deserve and demand the services offered by Senior Services.
- Jim Sides referred to the incentive discussion on the Board's agenda and said it was the best incentive agreement he had seen. Commissioner Sides asked that one change be considered regarding subletting of the property.

With no one else wishing to address the Board, Chairman Ford closed the Public Comment Period.

### **3. RECOGNITION OF RETIRING SENIOR SERVICES DIRECTOR CLYDE FAHNESTOCK**

Chairman Ford said Senior Services Director Clyde Fahnestock had served Rowan County for almost thirty years. Chairman Ford praised Mr. Fahnestock for his outstanding service to the County and to its citizens.

Chairman Ford called Mr. Fahnestock forward and presented him with a plaque. The presentation was followed by a standing ovation and a round of applause.

Mr. Fahnestock thanked the Chairman for his kind remarks and said he was appreciative of the thoughts and presence of so many people in attendance. Mr. Fahnestock said he was the first director to serve as Senior Services Director and he expressed hope that he would not be the last one. (The comment was met with applause). Mr. Fahnestock said he loved his work and that he felt a passion for serving seniors and improving the transportation system. Mr. Fahnestock attributed his success and the department's success to that of a great staff. Mr. Fahnestock recognized his staff by asking them to stand. Mr. Fahnestock expressed appreciation to the Board for its support over the years. Mr. Fahnestock also recognized his wife and daughter who were present. Mr. Fahnestock's comments were followed by another round of applause.

Commissioner Mitchell pointed out that while the meal sites might be the reason so many people were in attendance, those same meal sites were created under Mr. Fahnestock's leadership. Commissioner Mitchell asked Mr. Fahnestock if he would allow the Commissioners one last handshake, which was followed by another standing ovation and round of applause.

Commissioner Coltrain agreed with Mr. Fahnestock that the people who really do the work are the staff. Commissioner Coltrain jokingly asked staff to get as much work as possible from Mr. Fahnestock before he retired.

Commissioner Hall said she had enjoyed working with Mr. Fahnestock and that Rowan County would miss him. Commissioner Hall wished Mr. Fahnestock all the best upon his retirement and she expressed appreciation for all that he had done for Senior Services.

Commissioner Barber said he had served as a liaison to the Senior Services Board and also as a voting member on the board for Rufty Holmes Senior Center. Commissioner Barber said the services provided by both groups could not go unnoticed and he then praised Mr. Fahnestock and his staff for a job well done. The comments were followed by applause.

**3a. CONSIDER REQUEST FROM COUNTY MANAGER FOR  
AUTHORIZATION TO PURSUE REORGANIZATION OF SENIOR SERVICES &  
DEPARTMENT OF SOCIAL SERVICES**

(Note: This topic was moved from agenda item #6 in the order of discussion.)

County Manager Gary Page referred to Senior Services Director Clyde Fahnestock, who would retire on November 30, 2010 with over 29 years as Director of the department. Mr. Page said in light of the current economy and budget issues facing the County, several Commissioners had mentioned the possibility of reorganization and merging of some department duties with those of the Department of Social Services (DSS). Mr. Page said other board members had stated a desire to fill the Director's vacancy and maintain operations and organizational structure, as is. Mr. Page said any reorganization of the department would not affect the meal sites.

Mr. Page mentioned several options for reorganization and said if authorized, he would bring more information for the Board to consider in 2 weeks.

Commissioner Barber said he would like to see a cost benefit analysis of the various options. Commissioner Barber said if the Board voted today, he would vote to leave things as they were (applause from the audience) and to find a replacement for Mr. Fahnestock.

Commissioner Coltrain moved to ask the County Manager to get all the information on the various options to address the needs of the various programs and to bring the information to the Board at its next meeting. The motion was seconded by Commissioner Barber.

Commissioner Hall agreed with asking the County Manager to bring back more specific information. Commissioner Hall applauded the County Manager for taking the initiative to pursue savings for the County when the budget was in such dire straits. Commissioner Hall continued by saying the Board had no intention of cutting services to seniors and that she felt the meeting room was filled with citizens tonight based on misinformation. Commissioner Hall felt there was an opportunity for the County to move forward in a win-win situation.

Commissioner Mitchell asked the County Manager to ensure that ample parking space was available if Senior Services were to merge with DSS. Commissioner Mitchell also asked the County Manager to provide information regarding operating procedures and how case loads would be managed. Commissioner Mitchell said he wanted to ensure the County Manager's assessment covered all possible consequences.

Chairman Ford said mergers such as the one proposed had taken place in other counties and services had not been affected. Chairman Ford said the Board was asking for as much information as possible before making a decision.

Commissioner Coltrain said if the information was not available by the next meeting, he would rather see the Board delay a decision on the issue in order to allow the County Manager ample time to gather pertinent information.

Chairman Ford agreed with Commissioner Coltrain and said the decision should be “made right, whether it takes 2 weeks or 2 months, or longer.”

Chairman Ford called for a recess at 4:35 pm.

Chairman Ford reconvened the meeting at 4:45 pm.

#### **4. PUBLIC HEARING FOR “PROJECT BC-INF**

Economic Development Director Robert Van Geons reviewed the economic impact analysis for the proposed establishment of Infiltrator Systems, Inc.

Mr. Van Geons said the project had a potential immediate investment of \$4 million with a future investment of approximately \$1 million. Mr. Van Geons said the project would represent approximately \$285,000 of new revenue for the County over ten (10) years. Mr. Van Geons said the project would create thirty-six (36) jobs now and possibly nine (9) more if the economy rebounded.

Mr. Van Geons thanked company representatives Ron Brochu, Vice President of Manufacturing and Robert McHugh, Chief Financial Officer, who were in attendance.

Mr. Brochu discussed the types of products manufactured by Infiltrator Systems and said the proposed project would consolidate two (2) operations in Rowan County. Mr. Brochu said the materials used to construct the products were recycled and that the company was the 5<sup>th</sup> largest user of post-industrial recycled plastic in the U.S.

Mr. Van Geons said the company would like to fill the former plumbing supply building. Mr. Van Geons discussed the regulatory process and said the proposed project would comply with current zoning. Mr. Van Geons said permits and an erosion and sedimentation control plan were required. Mr. Van Geons said the facility would require a minor source operation permit for air emissions of both the HDPE extrusion lines and the polystyrene expansion lines.

Mr. Brochu explained how operations emitted minor particulate and pentane emissions. Mr. Brochu said there would be no odor or environmental risk with either operation.

Mr. Van Geons said the company was requesting a no cost lease for the use of adjacent land. Mr. Van Geons said the company would grade the property at their cost with some assistance from Duke Energy, install erosion and sedimentation control, and store finished product on the property. Mr. Van

Geons said a total of 4.5 acres of storage was needed, with three (3) acres on the county-owned property. Mr. Van Geons said in exchange, the company guaranteed to maintain thirty-three (33) jobs during all portions of the lease period.

Mr. Van Geons said the company would like to lease the existing building for ten (10) years with two (2) 5-year options. Mr. Van Geons said without assistance the project would have to choose an alternative location.

Mr. Van Geons reviewed the economic impact analysis.

Mr. Van Geons said the project would be completed by December 31, 2010 with all improvements. Mr. Van Geons said the County would lease approximately 5.3 acres of adjoining land to the company at no cost as long as thirty-three (33) full-time jobs were created and maintained throughout the lease period. Mr. Van Geons explained if the positions were not maintained the company would have to pay a per employee share of the market rate lease. Mr. Van Geons said no other incentives would be offered from the County.

Mr. Van Geons said in the event another company was interested in the land before the lease was up, there would be land that could be cleared for use by Infiltrator Systems.

Mr. Van Geons discussed subleasing and said there was no subletting of the property.

Mr. Van Geons said there would be no new expenditure of County funds required for the project and the County would benefit from both the jobs and 100% of the tax revenue.

Chairman Ford opened the public hearing for citizens wishing to comment on the proposed incentive agreement for project BC-INF. The following citizens came forward:

- Don Menius said he lived behind the property and that he understood the County needed jobs; however, he expressed concern with the close proximity of a school. Mr. Menius made several inquiries and comments to Mr. Brochu, including whether the plant had a smoke or vent stack; he pointed out the retirement home near the facility was at eye level with the roof; whether there would be hot steam or cool. Mr. Menius encouraged the Board to consider the quality of life in the area and how schools would be affected. Mr. Menius listed several sites in the area that could be affected.
- Jim Sides said he had never found an incentive he was in favor of until this proposed project. Mr. Sides said he would be in favor of the agreement if the benefit of a no cost lease was limited to ten (10) years.

Mr. Sides said the agreement should not be extended to another company arbitrarily in the event the company was sold.

With no one else wishing to address the Board, Chairman Ford closed the public hearing.

Commissioner Mitchell asked the company representatives to discuss the environmental issues.

Mr. Brochu explained the processing and said some degree of the gas would escape. Mr. Brochu said the gas would be a low level that was odorless and colorless and the emissions were well below the EPA requirements.

Commissioner Mitchell asked if the plants in other locations had any problems and Mr. Brochu responded that the company had been operating for 20 years with 6 facilities and had no issues.

Commissioner Coltrain said the proposed agreement was a win-win for the County and he thanked the company for considering Rowan County.

Commissioner Hall inquired if the company would be amenable to bring the agreement back to Board at the end of the first ten (10) years. Mr. Brochu said the company would prefer not to since a significant investment was being made; however, if it was a necessity perhaps the company would consider it.

Commissioner Hall referred to page 3 of the agreement regarding subletting. Commissioner Hall felt the lease should come back before the Board before any subletting.

County Attorney Jay Dees explained that if the company was purchased, merged or created a subsidiary they would not have to come back before the Board. Mr. Dees said any unrelated transactions would come back to the Board. Mr. Dees said he did not anticipate the Board objecting if the commitments were still binding on the new entity.

Mr. Van Geons said he took the language from the draft incentive agreement. Mr. Van Geons said he hoped the larger issue of providing land as an inducement for the company to locate here would be resolved.

Commissioner Hall said she supported the incentive and expressed her appreciation for the company bringing jobs. Commissioner Hall said she felt there were a couple of "sticking points" with the agreement and she suggested the County Attorney work with the County Manager and the company to work those items out. Commissioner Hall pointed out a typo on page 5 of the document.

Commissioner Hall asked Mr. Dees if there was any type of compromise on the two (2) five-year extensions. Mr. Dees said the company wanted the commitment in exchange for their commitment to invest in the property. Mr. Dees said it was up to the Board to accept the terms more than it was a legal issue.

Commissioner Hall asked if the Board could ask Rowan Works to provide the Board with an update at the time of renewal.

Commissioner Coltrain said the company was looking to make an investment for twenty (20) years. Commissioner Coltrain expressed hope that after ten (10) years the profit margin would be great enough for the company to buy the land.

Commissioner Coltrain moved to approve the incentive request as is. The motion was seconded by Commissioner Hall.

Commissioner Mitchell requested to change the typo error to reflect 90 days, let it be recorded that the Board would like a benchmark after ten (10) years and add a phrase that the rental rate would be assessed based on the value at the time of the delinquency rather than present day value.

Commissioner Coltrain agreed with Commissioner Mitchell's additions.

Upon being put to a vote the motion on the floor passed unanimously.

## **5. PUBLIC HEARING (CONTINUED) FOR Z 22-03 & CUP 10-04 AMENDMENT #2**

Chairman Ford said the public hearing for Z 22-03 and CUP 10-04 Amendment #2 was still in session.

Senior Planner Shane Stewart review several points of observation. Mr. Stewart said it was clear from the 2005 and 2009 public hearings, as well as the public hearing on October 18, that there was no distinction made in the different types of lumber product. Mr. Stewart said based on the complaint received, this was also the opinion of some adjoining property owners. Mr. Stewart said whether the lumber was stacked, on sticks, etc., lumber product was lumber product.

Mr. Stewart said as indicated in the Staff Report (Exhibit B) it was beneficial for the applicant to illustrate if there was another area on the property for the operation to load/unload, for temporary/permanent storage to be accommodated.

Mr. Stewart said an operation of this type had a Type B buffer. Mr. Stewart felt the Board had done a good job in taking what was provided in 2005 and 2009 and most closely tried to achieve the Type B standards. Mr. Stewart said the fence was lacking, and canopy trees and 60' of separation. Mr. Stewart said the

evergreen trees and the pine trees in the corner did provide a nice buffer in terms of separation at this point and more so in the future.

Mr. Stewart said based on the history, and the numerous hearings held since 2004, and with the Planning Board in 2003, it was clear as to what could occur within "this space." Mr. Stewart said many issues had been discussed - from idling trucks within the buffer, permanent/temporary storage, operations with forklifts and vehicles – and it was "clear what the Board's intent in this condition is" to provide staff that understanding, too, in working with the property owner and the adjoining property owners.

Commissioner Coltrain asked if it would make a difference to go between the trees that were currently planted and have additional plantings for a solid wall of trees in the buffer. Commissioner Coltrain wondered if the additional plantings would hasten the process to creating a more solid buffer. Mr. Stewart responded by using the power point presentation (Exhibit C) to show the buffer, a drainage ditch and the sloping affect from the property. Mr. Stewart said in reviewing the information from the USDA, he estimated it would be 8 to 10 years before there would be an invisible location of at least 20'.

Commissioner Coltrain said he had visually looked at the property and he felt that going the additional step of planting more trees would be going above and beyond what was required. Mr. Coltrain said since the neighbor, Mr. Beck, was not present for the hearing, it indicated to him that the situation must not be too bad. Commissioner Coltrain said when he visited the site he saw pallets of lumber instead of stacks. Commissioner Coltrain said pallets were temporary, for maybe 1 hour to 1 day. Commissioner Coltrain said the height of the pallets would be below the top of the fence. Commissioner Coltrain said he did not see a problem from a neighbor's standpoint where the stacks would be taller in the area being discussed.

Commissioner Hall referred back to the initial use rezoning and the conditions the Commissioners agreed upon and to which was also signed and agreed upon by Mr. Frick on July 20, 2009. Commissioner Hall asked Mr. Stewart if he had a copy of the signed document and he said yes. Commissioner Hall said the conditions were specific with no misunderstanding. Commissioner Hall referred to condition #2 (Staff Report, Exhibit B) which stated, "An 80' buffer around the south property line." Commissioner Hall said the condition also stated "no encroachment or development except screening allowed in buffer."

Commissioner Hall continued and said, "preclude timbers, stacks of lumber, any of that." Commissioner Hall asked Mr. Stewart if the information was correct and Mr. Stewart said yes. Commissioner Hall said the conditions were agreed upon by the Board and by Mr. Frick. Mr. Stewart said correct. Commissioner Hall said, "So he broke that agreement; is that correct?" Mr. Stewart said the whole reason the matter was before the Board was due to Mr. Frick's interpretation. Mr.

Stewart said from staff's understanding and from discussions with the County Attorney, "we didn't see any wiggle room on that."

Commissioner Hall said she did not see any "wiggle room" when the information stated "except screening." Commissioner Hall asked if the screening was the greenery mentioned by Commissioner Coltrain and Mr. Stewart said correct.

Commissioner Hall said, "We have a signed agreement" and Mr. Stewart concurred. Commissioner Hall said she felt the businessman understood what his word was at the time.

Commissioner Mitchell asked if the Board's rules allowed for this type of variance. Mr. Stewart said he believed there was questionable latitude the Board had in determining a temporary-type storage, or even semi-permanent.

Mr. Stewart used the power point presentation (Exhibit C) and showed pictures of the site from 2002. Mr. Stewart said the addition was within 200' of the property line and required a Type B buffer – no questions – the Board was not able to deviate from the requirement – only the Zoning Board of Adjustment could. Still using the power point (Exhibit C), Mr. Stewart showed the operation in 2009. The improvements were on the other side of the building and at that point, was the question of if the screening was needed to accommodate the request. Mr. Stewart said if the Board had not had the opportunity to act on the zoning change in 2005, the screening would not have been brought to the Board's attention and could have continued "as is."

Mr. Stewart referred to the screening standards in Section 21-213(g) of the zoning ordinance (Staff Report, Exhibit B), which indicated an expansion required buffering for uses existing prior to 1998. Mr. Stewart said there was an office on the site in 1994 and "this was in 2000." Mr. Stewart said the section in between was added. Mr. Stewart said he felt the intent was to indicate screening applied to anything new that was added. Mr. Stewart said an alternative Type B buffer was applied for the "operation here today." Mr. Stewart said staff did not make the applicant remove their gravel and asphalt. Mr. Stewart said it did not have the vertical wood to screen the horizontal pallets of lumber. Mr. Stewart said the canopy trees and the evergreen wall were maintained to achieve the visual blockage and also maintain everything "free and clear less traffic movements."

County Attorney Jay Dees said Mr. Stewart was correct. Mr. Dees said there was some authority that if the ordinances permitted that flexibility to the Board, the Board could effectively grant variances from these buffer requirements in certain circumstances. Mr. Dees said the ordinance does not read that way now. Mr. Dees said the way the ordinance reads is that the 80' buffer was a requirement for that use and you can read for yourself the way our buffer requirement works and it excludes any operations. Mr. Dees said in this circumstance, if the Board was to determine there was some physical hardship,

that this was the only way due to the lay of the land and the location of the buildings that existed prior to the adoption of our ordinances that it was a legal non-conforming use. Mr. Dees said if so, the Board might have some flexibility to reduce the 80' to 40', add a second layer of trees as suggested by Commissioner Coltrain to create a visual separation. Mr. Dees said our buffer requirement does not have anything to do with visual separation. It is a buffer from operations intruding on adjoining properties. The question is whether you determine if stacking of lumber temporarily is part of operations. Mr. Dees said the way our ordinance works now is in the absence of some hardship from the applicant, your flexibility is limited to grant that relief. The 80' buffer is the 80' buffer – no operations.

With no one else wishing to provide testimony, Chairman Ford closed the public hearing.

Commissioner Mitchell said based on the information received from Mr. Stewart and the County Attorney, it sounded like the Board did not have the authority to entertain a request to create a variance for the 80' buffer.

Commissioner Coltrain asked Mr. Dees if Commissioner Mitchell was correct and Mr. Dees responded that in light of the applicant presenting some hardship for why he needed to stack the lumber in this buffer - in the absence of any presented evidence – no, your options are limited.

Commissioner Coltrain said from his visual observation, he felt it would be a hardship for Mr. Frick to be unable to use the area for loading/unloading. Commissioner Coltrain said Mr. Frick was “not dry-stacking lumber there as per the agreement.” Commissioner Coltrain said he saw compromise that had been done in the past and with Mr. Frick agreeing to limit, as his operations required – the amount and length of time the pallets are there, he saw nothing wrong in working with Mr. Frick to keep his operation going. Commissioner Coltrain said it would be a different story if Mr. Frick had not made an effort to try to work with the ordinance and his neighbors. Commissioner Coltrain felt the Board should work with “people that are trying to work with us.”

Commissioner Coltrain moved to grant the request by Mr. Frick and ask that he continue to work with the Board of Commissioners and be cognizant of his neighbors.

The motion died for lack of a second.

Commissioner Mitchell asked if it would be appropriate to delay a decision in an attempt to determine if there was a hardship. Commissioner Mitchell said the hardship was not part of the amendment application and that would be the only way the Board could approve, according to the advice from the County Attorney. Commissioner Mitchell said if he understood correctly, the issue would go before

the Zoning Board of Adjustment if there was a hardship. Commissioner Mitchell agreed with Commissioner Coltrain in the fact that he would not mind attempting to work out an agreement to allow the operation to continue; however, the Board's rules did not allow the Board to create a variance of the 80' buffer.

Chairman Ford agreed with Commissioners Mitchell and Coltrain but said if the Board stuck to the rules, the Board should not approve and perhaps table the issue.

Commissioner Hall asked if a definitive judgment had to be made. Mr. Dees said the Board could move to table the matter but the public hearing was closed and new additional efforts could not be submitted. Mr. Dees said the Board would have to consider the information it had received.

Commissioner Coltrain moved to table the request to receive additional information as far as the matter being a hardship for Mr. Frick.

Mr. Dees said if your motion entertains the prospect of receiving information from the applicant himself, then you will need to move to reschedule the hearing and re-advertise the hearing and hold a second public hearing.

Commissioner Mitchell said he would second the motion as long as it was understood the matter was to go through staff. Commissioner Mitchell said he did not want the issue to come back in 2 weeks or necessarily 2 months until staff had information from the applicant that they believed would be able to push the matter forward.

Upon being put to a vote, the motion on the floor passed unanimously.

In response to a query from Mr. Dees regarding a date for the public hearing, Commissioner Mitchell said the Board would schedule the public hearing when notified by staff. Commissioner Mitchell said everyone involved would be notified of the process as well.

#### **6. CONSIDER REQUEST FROM COUNTY MANAGER FOR AUTHORIZATION TO PURSUE REORGANIZATION OF SENIOR SERVICES & DEPARTMENT OF SOCIAL SERVICES**

This agenda item was moved to agenda item #3a in the order of discussion.

#### **7. CONSIDER OFFER TO PURCHASE COUNTY-OWNED PROPERTY LOCATED AT 6205 MOORESVILLE HIGHWAY**

County Manager Gary Page said the County had received an offer in the amount of \$143,000 for county-owned surplus property known as Tax Parcel 768 054, located at 6205 Mooresville Highway. According to the Tax Administrator's Office, the 2010 value of the home and property was \$238,564.

Mr. Page said the Board could allow the upset bid process to begin and to determine if there would be other bidders. Mr. Page confirmed with County Attorney Jay Dees that the County retained the right to reject the bid if only one bid was received.

Commissioner Mitchell inquired as to the annual cost to the County for maintaining the property. Mr. Page estimated the mowing and electric bill was \$1200 to \$1500 per year.

Commissioner Barber moved to start upset bid process. The motion was seconded by Commissioner Coltrain.

Commissioner Mitchell asked if the Tax Administrator had provided his opinion as to the value. Mr. Page said Mr. Rowland had indicated \$175,000 would be a fair offer.

Commissioner Coltrain pointed out that any property not being occupied and taken care of "goes down pretty rapidly."

Commissioner Mitchell said his issue with the offer was that it was nearly \$100,000 less than the assessed value when the Board had taken a position several years ago that it would consider assessed value as the starting point in negotiations and receiving offers. Commissioner Mitchell said he was not necessarily against the offer of \$143,000; however, he would like to see the Board make a counteroffer of \$175,000 based on the recommendation of the Tax Administrator.

Commissioner Coltrain asked if the Board could let the upset bid process determine if the Board reached the \$175,000 recommendation.

Commissioner Mitchell said as far as he was concerned, if he voted to accept \$143,000, it was an indication that he was willing to sell the property at that amount. Commissioner Mitchell said he would like for the Board to extend a counteroffer in the amount of \$175,000.

Mr. Page said when the upset bid process begins Mr. West could be informed that the Board was looking for \$175,000 and that if the offer did not reach this amount, the bidder would probably not be able to purchase the property. Commissioner Mitchell said, "I can live with that."

Upon being put to a vote, the motion on the floor passed unanimously.

## **8. CLOSED SESSION**

Commissioner Mitchell moved to enter Closed Session at 5:58 pm pursuant to North Carolina General Statute § 143-318.11(a)(3) for attorney-client privileged

communication. The motion was seconded by Commissioner Barber and passed unanimously.

Before going into Closed Session, Chairman Ford called for a recess at 6:00 pm.

The Board convened in Closed Session at 6:05 pm.

The Board returned to Open Session at 6:37 pm.

**9. CONSIDER AND TAKE ACTION TO ACCEPT OR REJECT D.H.GRIFFIN  
NOTICE OF INTENT TO WITHDRAW BID FOR NEW SATELLITE JAIL**

County Attorney Jay Dees said the County had received a notice of intent to withdraw a bid from D.H. Griffin. Mr. Dees said the options were to accept the notice subject to any conditions, or reject notice and award the bid.

Commissioner Barber moved to accept the notice of intent to withdraw the bid without filing the claim against the bid bond with a settlement of \$65,000 for the new satellite jail. The motion was seconded by Commissioner Coltrain and passed unanimously.

**10. CONSIDER BID AWARD FOR NEW SATELLITE JAIL TO SUMMIT  
BUILDERS**

County Manager Gary Page referred to the Board's action in agenda item #9 to accept the notice of intent from D.H. Griffin to withdraw its bid on the new satellite jail. Mr. Page said the second lowest bidder was Summit Developers with a bid of \$4,956,400, including all three (3) alternates.

Commissioner Mitchell moved approval of the new low bid. The motion was seconded by Commissioner Coltrain and passed unanimously.

**11. CONSIDER APPROVAL OF BUDGET AMENDMENTS**

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Finance – To budget Homeland Security Grant for a generator at East Rowan YMCA - \$12,750
- Finance – To budget the NC PARTF grant received through NC DENR for Ellis Park improvements. The grant will cover 50% of costs and the 50% local match was raised by the Parks Department through donations - \$77,567
- Finance – To increase ROAP budget to agree with state budget - \$14,057
- Sheriff's Department – Recognize grant funds from Bulletproof Vest Partnership grant - \$7,554
- Social Services – Reduce line item for Maintenance donations to match funds received - \$520

Commissioner Mitchell moved approval of the budget amendments as presented. The motion was seconded by Commissioner Coltrain and passed unanimously.

## **12. CONSIDER APPROVAL OF BOARD APPOINTMENTS**

### **HISTORIC LANDMARKS COMMISSION**

The following applications were received for consideration to fill one (1) vacancy:

- Patricia Beck
- Ryan Kennedy

The term would be for three (3) years beginning November 1, 2010 and expiring December 31, 2013.

Commissioner Coltrain nominated Ryan Kennedy and the nomination passed unanimously.

### **ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Sharon Hampton has submitted a letter of resignation.

Commissioner Mitchell moved to accept the resignation of Sharon Hampton. The motion was seconded by Commissioner Coltrain and passed unanimously.

### **CITY OF SALISBURY ZONING BOARD OF ADJUSTMENT**

The City of Salisbury requested the appointment of Herbert Chambers to serve as an ETJ alternate for the Salisbury Zoning Board of Adjustment. The term will expire March 31, 2013.

Commissioner Mitchell nominated Herbert Chambers and the nomination carried unanimously.

### **BOARD OF HEALTH**

Barbara Andrews submitted an application for reappointment for a third term. The term would be for three (3) years beginning January 1, 2011 and expiring December 31, 2013.

Dr. Robert Tannehill's term expires December 31, 2010 and he did not wish to be reappointed. Dr. David Smith submitted an application to fill the vacancy. The term would be for three (3) years beginning January 1, 2011 and expiring December 31, 2013.

Commissioner Barber nominated Barbara Andrews for reappointment and the nomination passed unanimously.

Commissioner Coltrain nominated Dr. David Smith and the nomination passed unanimously.

**Note:** At this point in the meeting, County Manager Gary Page asked if the Finance Director could present a budget amendment regarding the Board's action in agenda item #10 to award the bid for the new satellite jail.

Ms. Heidrick said the new amount with Summit Builders was \$157,160 greater than the current construction budget. Ms. Heidrick said the budget amendment would be done into the construction budget from contingency.

Commissioner Mitchell moved to accept the proposed budget amendment. The motion was seconded by Commissioner Barber and passed unanimously.

### **13. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Mitchell moved to adjourn at 6:44 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC  
Clerk to the Board/Assistant to the County Manager